

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

JOHN K STEPHENSON,

Plaintiff,

v.

CATERPILLAR INC. AND SEARS
MANUFACTURING CO.,

Defendants.

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CASE NO. 2:16-CV-00071-JRG-RSP

ORDER

The above entitled and numbered civil action was referred to United States Magistrate Judge Roy S. Payne pursuant to 28 U.S.C. § 636. Now before the Court is the Report & Recommendation (Dkt. No. 502) by Magistrate Judge Payne, which recommends that Defendant Caterpillar Inc.’s (“Caterpillar”) summary judgment motion (Dkt. No. 473) be granted and that Defendant Sears Manufacturing Co.’s (“Sears”) summary judgment motion (Dkt. No. 496) be denied.

The Court has considered the objections filed by Sears and finds them to be without sufficient merit. (Dkt. No. 503). All of the arguments raised in the objections were properly considered by the Magistrate Judge, and this Court, on *de novo* review, finds no error in the findings and recommendations. The Report & Recommendation is hereby **ADOPTED**.

Accordingly, Caterpillar's summary judgment motion (Dkt. No. 473) is **GRANTED**
and Sears' summary judgment motion (Dkt. No. 496) is **DENIED**.

So ORDERED and SIGNED this 27th day of September, 2019.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE